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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,755	06/11/1999	STUART B. BERMAN	223/279	9796

7590

08/13/2002

ATTENTION: DAVID B MURPHY
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633 WEST FIFTH STREET
SUITE 4700
LOS ANGELES, CA 900712066

EXAMINER

RYMAN, DANIEL J

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 08/13/2002


Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/330,755

Applicant(s)

BERMAN, STUART B. 

Examiner

Daniel J. Ryman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 11 June 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50-55 is/are rejected.
- 7) ☒ Claim(s) 52 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Priority

1. This application appears to be a division of Application No. 08/801,471, filed 2/18/97. A later application for a distinct or independent invention, carved out of a pending application and disclosing and claiming only subject matter disclosed in an earlier or parent application is known as a divisional application or "division." The divisional application should set forth only that portion of the earlier disclosure which is germane to the invention as claimed in the divisional application.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Port Control Module for Fiber Channel Switching System.

3. The disclosure is objected to because of the following informalities: on page 9 line 29, the phrase "to using" should be "to use;" on page 11 lines 19-20 and pg. 12 lines 11-13, the term "router" is defined twice with separate definitions where it could be defined only once by combining definitions; and on page 31 line 14, the phrase "overrun 154 condition" should be "overrun condition 154."

Appropriate correction is required.

4. Claim 52 objected to because of the following informalities: In line 14 the word "value" is misspelled "valve," and the phrase "an overrun conditions" should be "an overrun condition."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. While applicant may be his or her own lexicographer, a term in a claim may not be given a meaning repugnant to the usual meaning of that term. See *In re Hill*, 161 F.2d 367, 73 USPQ 482 (CCPA 1947). The term “buffer overrun prevention” in claims 50 and 52 is used by the claim to mean “buffer overrun indication” or “to signal buffer overrun has occurred,” while the accepted meaning is “to stop buffer overrun from occurring.”

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharman (USPN H1614) in view of Gulick (USPN 4,809,269).

8. Regarding claim 50, Sharman discloses an input port for connection to a link, a decoder in communication with the input port and a buffer (col. 10 lines 16-20) and an output port for connection to a link, an encoder in communication with the output port and a buffer (col. 10 lines 1-4). Sharman does not disclose a buffer overrun prevention logic between the encoder/decoder and the buffer. Gulick teaches having buffer overrun prevention logic before the buffer (col. 30 lines 25-39). Since the buffer overrun prevention logic is before the buffer, an obvious place to locate it would be between the buffer and the encoder/decoder. Gulick uses the buffer prevention logic in order to signal the system to terminate a packet that has been corrupted by buffer overflow (col. 30 lines 34-39). It would have been obvious to one of ordinary skill in the art of

data communications to include buffer prevention logic before the buffer to signal the system that a data packet has been corrupted due to buffer overrun and thus should be terminated.

9. Regarding claim 51, Gulick discloses that the buffer is FIFO (col. 30 lines 25-27).

10. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharman (USPN H1614) in view of Gulick (USPN 4,809,269) as applied to claim 50 above, and further in view of Tom et al. (USPN 5,262,625).

11. Sharman in view of Gulick discloses that the buffer overrun prevention logic sets tag bit to a value indicative of overrun conditions (Gulick: col. 30 lines 30-39). Sharman in view of Gulick does not specifically disclose that the tagged value is unique. Tom discloses having the tagged values be unique in order for the system to distinguish between unique conditions associated with each tag (col. 10 lines 11-22). It would have been obvious to one of ordinary skill in the art of data communications to have the tag be unique in order for the system to distinguish between the unique conditions associated with each tag.

12. Claim 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douros et al. (USPN 4,716,575) in view of Gulick (USPN 4,809,269).

13. Regarding claim 53, Douros discloses a buffer which receives data and places the data in the buffer (col. 1 lines 46-60). Although Douros does not specifically disclose monitoring the buffer for an overflow condition, Douros does disclose that the buffer could overflow at which time transmission must be temporarily halted (col. 1 lines 54-55). If transmission is to be halted due to an overflow, it would be obvious to monitor for an overflow to determine when transmission should stop. Douros does not disclose including a detectable signal in association with the data if an overflow is detected and providing the data from the buffer along with the

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detectable signal to subsequent devices. Gulick discloses including a tag bit on the end of a byte in order to notify the system that overrun has occurred. Since this tag bit is included with the data itself, it is associated with the data and is detectable to subsequent devices. It would have been obvious to one of ordinary skill in the art of communication devices to have the overflow condition indicated by a detectable signal associated with the data and so detectable to subsequent devices to notify the subsequent devices that overrun has occurred within the buffer.

14. Regarding claim 54, Gulick discloses that the detectable condition comprises tag bits (col. 30 lines 35-36).

15. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Douros et al. (USPN 4,716,575) in view of Gulick (USPN 4,809,269) as applied to claim 53 above, and further in view of Tom et al. (USPN 5,262,625).

16. Douros in view of Gulick does not disclose having the tag bits set to a unique condition. Tom discloses having the tagged values be unique in order for the system to distinguish between unique conditions associated with each tag (col. 10 lines 11-22). It would have been obvious to one of ordinary skill in the art of data communications to have the tag be unique in order for the system to distinguish between the unique conditions associated with each tag.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Klausmeier et al. (USPN 5,570,360) see col. 5 lines 39-43 which is pertinent to claim 50. Lyles (USPN 6,038,217) see col. 6 lines 41-45 which is pertinent to claim 50. Watanabe et al. (USPN 6,157,613) see col. 22 lines 48-60 which is pertinent to claim 50.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (703)305-6970. The examiner can normally be reached on Mon.-Fri. 7:00-4:00.

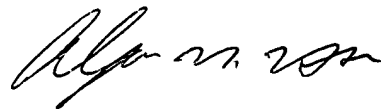
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703)308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-6743 for regular communications and (703)308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Daniel J. Ryman
Examiner
Art Unit 2665

DSR

Daniel J. Ryman
August 7, 2002



ALPUS H. HSU
PRIMARY EXAMINER